

## KimLawFirm<sup>LLC</sup>

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Thursday, April 14, 2022

*Via ECF*

Honorable Matthew J. Skahill, U.S.M.J.  
UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY  
Mitchell H. Cohen Building & U.S. Courthouse, Courtroom 3C  
4th & Cooper Streets  
Camden, NJ 08101

RE: *Elaine Levins and William Levins v. Healthcare Revenue Recovery Group, LLC*,  
Case No. 1:17-cv-00928-CPO-MJS

Dear Judge Skahill,

My office represents Plaintiffs. I write in response to Defendant's letters filed April 6 [Doc. 105] and April 14 [Doc. 106].

Plaintiffs have no objection to a reasonable extension of time for Defendant to comply with the Court's Order [Doc. 104] and, therefore, consent to the requested extension to May 6, 2022.

Notwithstanding that Defendant's letter [Doc. 105] is couched as a request for reconsideration, Defendant has not filed any motion to reconsider. *See* L.Civ.R. 7.1(i). Prior to that letter, Defendant never raised proportionality despite being given multiple opportunities to do so.

I also want to clarify an important fact. In the first full paragraph on page two of the April 6 letter [PageID 1047], Defendant wrote that its records reflect Plaintiffs were called 68 times. The next sentence asserts, "Most of the calls went unanswered and thus no messages were left." (Emphasis added.) While Plaintiffs have no interest in unanswered calls, the record does not appear to support Defendant's statement. At its deposition, Defendant testified that its electronic account notes for each collection account contains its records when its telephone dialer system reports having left the subject message. An example of those records are reflected in Doc. 101-7. By my count, there are 66 of those entries in the account notes for Plaintiffs' account. Moreover, I do not detect any entry for *unanswered* calls in those notes.

Thank you for Your Honor's consideration in this matter.

Respectfully,  
*s/Philip D. Stern*  
Philip D. Stern  
KIM LAW FIRM LLC

cc: All Counsel of Record